

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CLYDE TONKIN,	:	No. 4:17-CV-00142
	:	
Plaintiff,	:	(Judge Brann)
	:	
v.	:	(Magistrate Judge Carlson)
	:	
LUZERNE COUNTY,	:	
PENNSYLVANIA,	:	
	:	
Defendant.	:	

**ORDER**

**NOVEMBER 20, 2017**

Before the Court for disposition is a Report and Recommendation filed by Magistrate Judge Martin C. Carlson on October 25, 2017.<sup>1</sup> In this Report, Magistrate Judge Carlson recommended that Plaintiff Clyde Tonkin’s Complaint be dismissed with prejudice (1) for failure to effectuate service in accordance with Federal Rule of Civil Procedure 4(m), and (2), following an application of the *Poullis* factors, pursuant to Federal Rule of Civil Procedure 41.<sup>2</sup> No objections to this Report and Recommendation have since been filed.

Upon designation, a magistrate judge may “conduct hearings, including evidentiary hearings, and . . . submit to a judge of the court proposed findings of

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<sup>1</sup> ECF No. 16.

<sup>2</sup> *Id.*

fact and recommendations.”<sup>3</sup> Once filed, this Report and Recommendation is disseminated to the parties in the case who then have the opportunity to file written objections.<sup>4</sup> Where no objection is made to a report and recommendation, the court should, as a matter of good practice, “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”<sup>5</sup> Nevertheless, whether timely objections are made or not, the district court may accept, reject or modify, in whole or in part, the findings or recommendations made by the magistrate judge.<sup>6</sup>

Following independent review of the record, I am satisfied that the Report and Recommendation contains no legal error. In the interests of judicial economy, I will not rehash Magistrate Judge Carlson’s sound reasoning and legal citation.

**AND NOW**, therefore, **IT IS HEREBY ORDERED** that:

1. Magistrate Judge Martin C. Carlson’s Report and Recommendation (ECF No. 16) is **ADOPTED IN ITS ENTIRETY**;
2. The action is **DISMISSED** with prejudice.
3. The Clerk is directed to close the case file.

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<sup>3</sup> 28 U.S.C. 636(b)(1)(B).

<sup>4</sup> 28 U.S.C. 636(b)(1).

<sup>5</sup> *Rieder v. Apfel*, 115 F.Supp.2d 496, 499 (M.D.Pa. 2000) (citing *United States v. Raddatz*, 447 U.S. 667, 676 (1980)).

<sup>6</sup> 28 U.S.C. § 636(b)(1); Local Rule 72.31.

BY THE COURT:

*s/ Matthew W. Brann*

Matthew W. Brann

United States District Judge